

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
19374-501

First named inventor: FARMER, Sean

US Application No.:
(if known)

International (PCT) Application Number: PCT/US98/07307

Filed: 10 April 1998

Title: TOPICAL USE OF PROBIOTIC BACILLUS SPORES TO PREVENT OR CONTROL MICROBIAL INFECTIONS

Attention: PCT Legal Staff
Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) (as applicable). The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(h) or 1.495(i).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Proper reply;
- (3) Terminal disclaimer with disclaimer fee--required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

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1. Petition fee

- ☒ small entity - fee \$ 605.00 (37 CFR 1.17(m))
- ☒ Small entity statement enclosed herewith.
- ☐ Small entity statement previously filed.
- ☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proper reply

- A. The proper reply (the missing 35 U.S.C. 371(c) requirements) in the form of (identify the type of reply):
US National Phase Application and Fee; Petition under 37 CFR § 1.47(a)-(b) and Fee; Declaration and Power of Attorney; Small Entity Statement; and Assignment.
- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box PCT, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) equivalent to the period of abandonment is enclosed herewith (see PTO/SB(63)).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Date

Telephone

Number: (617) 542-6000


Signature

Ivor R. Elrifi

Typed or printed name

Mintz, Levin, Cohn, Ferris, Glovsky,and Popeo, P.C.One Financial CenterBoston, MA 02111

Address

Enclosures:

☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Small Entity Status Form☒ US National Phase Application and Fee; Declaration and Power of Attorney; Small Entity Statement; Assignment

Express Mail Label No.: EL391000111US
Date of Deposit: March 17, 2000

Attorney Docket No. 19374-501 (GND-01)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Farmer
ASSIGNEE: Ganeden BioTech, Inc.
INTERNATIONAL APPLICATION NUMBER: PCT/US98/07307
INTERNATIONAL FILING DATE: April 10, 1998
FOR: TOPICAL USE OF PROBIOTIC BACILLUS SPORES TO PREVENT OR CONTROL MICROBIAL INFECTIONS

March 17, 2000
Boston, Massachusetts

Box PCT
Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. §1.47(a)-(b)

I, **Sean Farmer**, an inventor of International Application No. PCT/US98/07307, filed April 10, 1998, and entitled: "TOPICAL USE OF PROBIOTIC BACILLUS SPORES TO PREVENT OR CONTROL MICROBIAL INFECTIONS", am currently residing at 8938-6 Villa La Jolla Drive, La Jolla, California 92037.

I, **Sean Farmer**, do hereby state that I have made a diligent attempt to contact, **Robert J. Mikhail**, a co-inventor of the above-referenced application, and whose last known address is 1493-B, East Lexington Avenue, El Cajon, California 92019. These attempts to contact Mr. Mikhail have been made via U.S. mail and electronic mail (e-mail) to his last known address.

Accordingly, I, **Sean Farmer**, do hereby petition the Commissioner to allow the above-referenced application to be filed, as set forth under 37 C.F.R. §1.47(a)-(b), with the enclosed Combined Declaration and Power of Attorney executed only by the undersigned.

03/29/2000 WCLAYBRO

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Farmer
PCI/US98/07307

I, Sean Farmer, do further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issued thereon.

Signature

Full Name: Sean Farmer

Date

TRADOCS:1300223.1(RV9B011.DOC)